

105TH CONGRESS
1ST SESSION

H. R. 278

To make changes in Federal juvenile justice proceedings, and to foster youth development and prevent juvenile crime and delinquency.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. SCHUMER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make changes in Federal juvenile justice proceedings, and to foster youth development and prevent juvenile crime and delinquency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Balanced Juvenile Jus-
5 tice and Crime Prevention Act of 1997”.

6 **SEC. 2. FINDINGS; TABLE OF CONTENTS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Violent juvenile crime is increasing both in
2 frequency and severity.

3 (2) The system of criminal justice for juveniles
4 has not kept up with the changing nature of juvenile
5 crime. Many acts of juvenile delinquency can be ap-
6 propriately handled under existing court procedures,
7 but adequate response to the increasingly violent
8 criminal acts of the more serious juvenile offenders
9 demands major procedural changes to ensure prompt
10 and effective criminal prosecutions and punishment.

11 (3) Penalties imposed under the current juve-
12 nile justice system also have failed to keep pace with
13 and deter violent juvenile crime.

14 (4) To deter violent juvenile crime, and protect
15 innocent Americans, prosecutors must be empowered
16 to prosecute particularly serious juvenile offenders
17 as adults.

18 (5) Drugs and gun-related crime threaten the
19 life and well-being of American youth and the future
20 of the Nation.

21 (6) The number of American youths killing
22 with, and killed by firearms has increased.

23 (7) To deter the use of firearms in the commis-
24 sion of crime, and to protect the law abiding public

1 there must be swift disposition of gun related of-
2 fenses in our courts, and there must be the certain
3 prospect of punishment for those who commit such
4 crimes.

5 (8) Drug use and addiction among American
6 youth has increased, and only with a comprehensive
7 strategy of deterrence through education and sure
8 punishment, in tandem with provision of treatment
9 for addicted youth, can American youth grow into
10 productive and responsible citizens and parents.

11 (9) Gangs have spread nationwide, inhabit
12 cities large and small, and have growing juvenile
13 membership.

14 (10) The use of illegal drugs supports the drug
15 trafficking industry and the often violent crime asso-
16 ciated with the drug trade.

17 (11) Drug courts effectively address drug-relat-
18 ed crime by offering intensive treatment to non-
19 violent, drug addicted offenders who seek to become
20 drug free.

21 (12) The responsiveness of community-based
22 organizations to local community values and con-
23 cerns, allow such organizations to effectively create
24 and implement youth development programs.

1 (13) The problems facing troubled youth de-
 2 mand a cooperative effort involving parents, schools,
 3 local government, law enforcement, juvenile and
 4 family courts, and community-based organizations.

5 (14) A lack of youth programs providing mean-
 6 ingful and positive after school activities for at-risk
 7 youth contributes to the proliferation of violent juve-
 8 nile crime, including gang-related violence and drug
 9 trafficking, and the overall hopelessness among the
 10 Nation's youth.

11 (15) Although parents have responsibility for
 12 the social, moral, emotional, physical, and cognitive
 13 development of their children, social and demo-
 14 graphic changes in recent decades have had a sig-
 15 nificant effect on family life and youth development,
 16 increasing the need for programs to strengthen fami-
 17 lies and help parents meet the social, moral, emo-
 18 tional, physical, and cognitive needs of their chil-
 19 dren.

20 (b) TABLE OF CONTENTS.—

Sec. 1. Short title.

Sec. 2. Findings; table of contents.

TITLE I—ENHANCED PROSECUTION OF DANGEROUS JUVENILE
 OFFENDERS

Sec. 101. Short title.

Sec. 102. Delinquency proceedings or criminal prosecutions in district courts.

Sec. 103. Custody prior to appearance before judicial officer.

Sec. 104. Technical and conforming amendments to section 5034.

Sec. 105. Detention prior to disposition or sentencing.

Sec. 106. Speedy trial.

- Sec. 107. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
- Sec. 108. Records of crimes committed by juvenile delinquents.
- Sec. 109. Restriction on commitment.
- Sec. 110. Technical amendments of sections 5031 and 5034.
- Sec. 111. Serious juvenile delinquency drug trafficking adjudications as armed career criminal act predicates.
- Sec. 112. Clerical amendments to table of sections for chapter.

TITLE II—YOUTH DEVELOPMENT AND JUVENILE CRIME PREVENTION

- Sec. 201. Short title.
- Sec. 202. Definitions.

Subtitle A—Juvenile Gun Courts

- Sec. 211. Grant authorization.
- Sec. 212. Uses of funds.
- Sec. 213. Applications.
- Sec. 214. Grant awards.
- Sec. 215. Limitations on grants; renewal of grants.
- Sec. 216. Federal share.
- Sec. 217. Report and evaluation.
- Sec. 218. Definition.
- Sec. 219. Authorization of appropriations.

Subtitle B—Community-Based Juvenile Justice Grants For Prosecutors

- Sec. 221. Grant authorization.
- Sec. 222. Uses of funds.
- Sec. 223. Applications.
- Sec. 224. Grant awards.
- Sec. 225. Allocation of funds; limitations on grants.
- Sec. 226. Reports.
- Sec. 227. Definitions.
- Sec. 228. Authorization of appropriations.

Subtitle C—Juvenile Drug Courts

- Sec. 231. Juvenile drug courts.

Subtitle D—After School Crime Prevention Act

- Sec. 241. Short title.
- Sec. 242. Program authority.
- Sec. 243. Program requirements.
- Sec. 244. Applications.
- Sec. 245. Eligibility of participants.
- Sec. 246. Investigations and inspections.
- Sec. 247. Federal share.
- Sec. 248. Definitions.
- Sec. 249. Authorization of appropriations.

1 **TITLE I—ENHANCED PROSECU-**
 2 **TION OF DANGEROUS JUE-**
 3 **NILE OFFENDERS**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Enhanced Prosecution
 6 of Dangerous Juvenile Offenders Act of 1997”.

7 **SEC. 102. DELINQUENCY PROCEEDINGS OR CRIMINAL**
 8 **PROSECUTIONS IN DISTRICT COURTS.**

9 (a) IN GENERAL.—Section 5032 of title 18, United
 10 States Code, is amended to read as follows:

11 **“§ 5032. Delinquency proceedings or criminal pros-**
 12 **ecutions in district courts**

13 “(a)(1) A juvenile alleged to have committed an of-
 14 fense against the United States or an act of juvenile delin-
 15 quency may be surrendered to State authorities or pro-
 16 ceeded against as a juvenile under this subsection, or tried
 17 as an adult in the circumstances described in subsections
 18 (b) and (c).

19 “(2) Such juvenile may be proceeded against as a ju-
 20 venile in a court of the United States under this subsection
 21 if the Attorney General, after investigation certifies to the
 22 appropriate United States district court that—

23 “(A)(i) the juvenile court or other appropriate
 24 court of a State does not have jurisdiction or de-
 25 clines to assume jurisdiction over the juvenile with

1 respect to such act of alleged juvenile delinquency,
2 or

3 “(ii) the offense charged is described in sub-
4 section (b)(2), and

5 “(B) there is a substantial Federal interest in
6 the case or the offense to warrant the exercise of
7 Federal jurisdiction.

8 “(3) If the Attorney General does not so certify, such
9 juvenile shall be surrendered to the appropriate legal au-
10 thorities of such State.

11 “(4) If a juvenile alleged to have committed an act
12 of juvenile delinquency is not surrendered to the authori-
13 ties of a State pursuant to this section, any proceedings
14 against the juvenile shall be in an appropriate district
15 court of the United States. For such purposes, the court
16 may be convened at any time and place within the district,
17 in chambers or otherwise. The Attorney General shall pro-
18 ceed by information or as authorized by section 3401(g)
19 of this title, and no criminal prosecution shall be instituted
20 except as provided in this chapter.

21 “(b) A juvenile may be prosecuted as an adult—

22 “(1) if the juvenile has requested in writing
23 upon advice of counsel to be prosecuted as an adult;
24 or

1 “(2) if the juvenile is alleged to have committed
2 an act after the juvenile attains the age of 15 years
3 which if committed by an adult would be—

4 “(A) a crime of violence (as defined in sec-
5 tion 3156(a)(4)) that is a felony;

6 “(B) an offense described in section
7 844(d), (k), or (l), 922(x), or subsection (b),
8 (g), (h), (j), (k), or (l) of section 924;

9 “(C) a violation of section 922(o) that is
10 an offense under section 924(a)(2);

11 “(D) a violation of section 5861 of the In-
12 ternal Revenue Code of 1986 that is an offense
13 under section 5871 of such Code (26 U.S.C.
14 5871);

15 “(E) a conspiracy to violate an offense de-
16 scribed in any of subparagraphs (A) through
17 (E); or

18 “(F) an offense described in section 401 or
19 408 of the Controlled Substances Act (21
20 U.S.C. 841, 848) or a conspiracy or attempt to
21 commit that offense which is punishable under
22 section 406 of the Controlled Substances Act
23 (21 U.S.C. 846), or an offense punishable
24 under section 409 or 419 of the Controlled Sub-
25 stances Act (21 U.S.C. 849, 860), or an offense

1 described in section 1002(a), 1003, 1005, or
2 1009 of the Controlled Substances Import and
3 Export Act (21 U.S.C. 952(a), 953, 955, or
4 959).

5 “(c)(1) A juvenile may also be prosecuted as an adult
6 if the juvenile is alleged to have committed an act after
7 the juvenile has attained the age of 13 years but before
8 the juvenile has attained the age of 15 years, which if com-
9 mitted by an adult would be an offense described in any
10 of subparagraphs (A) through (F) of subsection (b)(2),
11 upon approval of the Attorney General or the Attorney
12 General’s designee.

13 “(2) Any such designee shall be at a level not lower
14 than a Deputy Assistant Attorney General.

15 “(3) Such approval shall not be granted, with respect
16 to such a juvenile who is subject to the criminal jurisdic-
17 tion of an Indian tribal government and who is alleged
18 to have committed an act over which, if committed by an
19 adult, there would be Federal jurisdiction based solely on
20 its commission in Indian country (as defined in section
21 1151), unless the governing body of the tribe having juris-
22 diction over the place in which the alleged act was commit-
23 ted has before such act notified the Attorney General in
24 writing of its election that prosecution may take place
25 under this subsection.

1 “(d) A determination to approve or not to approve,
 2 or to institute or not to institute, a prosecution under sub-
 3 section (b) or (c) shall not be reviewable in any court.

4 “(e) In a prosecution under subsection (b) or (c), the
 5 juvenile may be prosecuted and convicted as an adult for
 6 any other offense which is properly joined under the Fed-
 7 eral Rules of Criminal Procedure, and may also be con-
 8 victed of a lesser included offense.”.

9 (b) CONFORMING AMENDMENT TO DEFINITIONS
 10 SECTION.—Section 5031 of title 18, United States Code,
 11 is amended by adding at the end the following: “As used
 12 in this chapter, the term ‘State’ includes a State of the
 13 United States, the District of Columbia, any common-
 14 wealth, territory, or possession of the United States and,
 15 with regard to an act of juvenile delinquency that would
 16 have been a misdemeanor if committed by an adult, a fed-
 17 erally recognized tribe.”.

18 **SEC. 103. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
 19 **CIAL OFFICER.**

20 Section 5033 of title 18, United States Code, is
 21 amended to read as follows:

22 **“§ 5033. Custody prior to appearance before judicial**
 23 **officer**

24 “(a) Whenever a juvenile is taken into custody, the
 25 arresting officer shall immediately advise such juvenile of

1 the juvenile’s rights, in language comprehensible to a juve-
 2 nile. The arresting officer shall promptly take reasonable
 3 steps to notify the juvenile’s parents, guardian, or custo-
 4 dian of such custody, of the rights of the juvenile, and
 5 of the nature of the alleged offense.

6 “(b) The juvenile shall be taken before a judicial offi-
 7 cer without unreasonable delay.”.

8 **SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS TO**
 9 **SECTION 5034.**

10 Section 5034 of title 18, United States Code, is
 11 amended—

12 (1) by striking “The” each place it appears at
 13 the beginning of a paragraph and inserting “the”;

14 (2) by striking “If” at the beginning of the 3rd
 15 paragraph and inserting “if”;

16 (3) by designating the 3 paragraphs as para-
 17 graphs (1), (2), and (3), respectively; and

18 (4) by inserting at the beginning of such section
 19 before those paragraphs the following: “In a pro-
 20 ceeding under section 5032(a)—”.

21 **SEC. 105. DETENTION PRIOR TO DISPOSITION OR SENTENC-**
 22 **ING.**

23 Section 5035 of title 18, United States Code, is
 24 amended to read as follows:

1 **“§ 5035. Detention prior to disposition or sentencing**

2 “(a)(1) A juvenile 15 years of age or older prosecuted
3 pursuant to subsection (b) or (c) of section 5032, if de-
4 tained at any time prior to sentencing, shall be detained
5 in such suitable place as the Attorney General may des-
6 ignate. Preference shall be given to a place located within,
7 or within a reasonable distance of, the district in which
8 the juvenile is being prosecuted.

9 “(2) A juvenile less than 15 years of age prosecuted
10 pursuant to subsection (b) or (c) of section 5032, if de-
11 tained at any time prior to sentencing, shall be detained
12 in a suitable juvenile facility located within, or within a
13 reasonable distance of, the district in which the juvenile
14 is being prosecuted. If such a facility is not available, such
15 a juvenile may be detained in any other suitable facility
16 located within, or within a reasonable distance of, such
17 district. If no such facility is available, such a juvenile may
18 be detained in any other suitable place as the Attorney
19 General may designate.

20 “(3) To the maximum extent feasible, a juvenile less
21 than 15 years of age prosecuted pursuant to section sub-
22 section (b) or (c) of 5032 shall not be detained prior to
23 sentencing in any facility in which the juvenile has regular
24 contact with adult persons convicted of a crime or await-
25 ing trial on criminal charges.

1 “(b) A juvenile proceeded against under section
2 5032(a) shall not be detained prior to disposition in any
3 facility in which the juvenile has regular contact with adult
4 persons convicted of a crime or awaiting trial on criminal
5 charges.

6 “(c) Every juvenile who is detained prior to disposi-
7 tion or sentencing shall be provided with reasonable safety
8 and security and with adequate food, heat, light, sanitary
9 facilities, bedding, clothing, recreation, education, and
10 medical care, including necessary psychiatric, psycho-
11 logical, or other care and treatment.”.

12 **SEC. 106. SPEEDY TRIAL.**

13 Section 5036 of title 18, United States Code, is
14 amended by—

15 (1) striking “If an alleged delinquent” and in-
16 sserting “If a juvenile proceeded against under sec-
17 tion 5032(a)”;

18 (2) striking “thirty” and inserting “45”; and

19 (3) striking “the court,” and all that follows
20 through the end of the section and inserting “the
21 court. The periods of exclusion under section
22 3161(h) of this title shall apply to this section.”.

1 **SEC. 107. DISPOSITION; AVAILABILITY OF INCREASED DE-**
2 **TENTION, FINES AND SUPERVISED RELEASE**
3 **FOR JUVENILE OFFENDERS.**

4 Section 5037 of title 18, United States Code, is
5 amended to read as follows:

6 **“§ 5037. Disposition**

7 “(a) In a proceeding under section 5032(a), if the
8 court finds a juvenile to be a juvenile delinquent, the court
9 shall hold a hearing concerning the appropriate disposition
10 of the juvenile no later than 40 court days after the find-
11 ing of juvenile delinquency, unless the court has ordered
12 further study pursuant to subsection (e). A predisposition
13 report shall be prepared by the probation officer who shall
14 promptly provide a copy to the juvenile, the juvenile’s
15 counsel, and the attorney for the Government. Victim im-
16 pact information shall be included in the report, and vic-
17 tims, or in appropriate cases their official representatives,
18 shall be provided the opportunity to make a statement to
19 the court in person or present any information in relation
20 to the disposition. After the dispositional hearing, and
21 after considering any pertinent policy statements promul-
22 gated by the Sentencing Commission pursuant to section
23 994 of title 28, the court shall enter an order of restitution
24 pursuant to section 3556 of this title, and may suspend
25 the findings of juvenile delinquency, place the juvenile on

1 probation, commit the juvenile to official detention (in-
2 cluding the possibility of a term of supervised release), and
3 impose any fine that would be authorized if the juvenile
4 had been tried and convicted as an adult. With respect
5 to release or detention pending an appeal or a petition
6 for a writ of certiorari after disposition, the court shall
7 proceed pursuant to the provisions of chapter 207.

8 “(b) The term for which probation may be ordered
9 for a juvenile found to be a juvenile delinquent may not
10 extend beyond the maximum term that would be author-
11 ized by section 3561(c) if the juvenile had been tried and
12 convicted as an adult. Sections 3563, 3564, and 3565 are
13 applicable to an order placing a juvenile on probation.

14 “(c) The term for which official detention may be or-
15 dered for a juvenile found to be a juvenile delinquent may
16 not extend beyond the lesser of—

17 “(1) the maximum term of imprisonment that
18 would be authorized if the juvenile had been tried
19 and convicted as an adult;

20 “(2) ten years; or

21 “(3) the date when the juvenile becomes twen-
22 ty-six years old.

23 Section 3624 is applicable to an order placing a juvenile
24 in detention.

1 “(d) The term for which supervised release may be
2 ordered for a juvenile found to be a juvenile delinquent
3 may not extend beyond 5 years. Subsections (c) through
4 (i) of sections 3583 apply to an order placing a juvenile
5 on supervised release.

6 “(e) If the court desires more detailed information
7 concerning a juvenile alleged to have committed an act of
8 juvenile delinquency or a juvenile adjudicated delinquent,
9 it may commit the juvenile, after notice and hearing at
10 which the juvenile is represented by counsel, to the custody
11 of the Attorney General for observation and study by an
12 appropriate agency or entity. Such observation and study
13 shall be conducted on an outpatient basis, unless the court
14 determines that inpatient observation and study are nec-
15 essary to obtain the desired information. In the case of
16 an alleged juvenile delinquent, inpatient study may be or-
17 dered only with the consent of the juvenile and the juve-
18 nile’s attorney. The agency or entity shall make a complete
19 study of the alleged or adjudicated delinquent to ascertain
20 the juvenile’s personal traits, capabilities, background,
21 previous delinquency or criminal experience, mental or
22 physical defect, and any other relevant factors. The Attor-
23 ney General shall submit to the court and the attorneys
24 for the juvenile and the Government the results of the
25 study within 30 days after the commitment of the juvenile,

1 unless the court grants additional time. Time spent in cus-
2 tody under this subsection shall be excluded for purposes
3 of section 5036.

4 “(f) With respect to any juvenile prosecuted and con-
5 victed as an adult under section 5032(c), the court may,
6 pursuant to guidelines promulgated by the United States
7 Sentencing Commission under section 994 of title 28, de-
8 termine to treat the conviction as an adjudication of delin-
9 quency and impose any disposition authorized under this
10 section. The United States Sentencing Commission shall
11 promulgate such guidelines as soon as practicable and not
12 later than one year from the date of enactment of the En-
13 hanced Prosecution of Dangerous Juvenile Offenders Act
14 of 1996.”.

15 **SEC. 108. RECORDS OF CRIMES COMMITTED BY JUVENILE**
16 **DELINQUENTS.**

17 Section 5038 of title 18, United States Code, is
18 amended—

19 (1) in subsection (a), by striking “Throughout
20 and” and all that follows through the colon and in-
21 serting the following: “Throughout and upon com-
22 pletion of the juvenile delinquency proceeding, the
23 court records of the original proceeding shall be

1 safeguarded from disclosure to unauthorized per-
2 sons. The records shall be released to the extent nec-
3 essary to meet the following circumstances:”;

4 (2) in subsection (a)(3), by inserting before the
5 semicolon “or analysis requested by the Attorney
6 General”;

7 (3) in subsection (a), so that paragraph (6)
8 reads as follows:

9 “(6) communications with any victim of such
10 juvenile delinquency, or in appropriate cases with
11 the official representative of the victim, in order to
12 apprise such victim or representative of the status or
13 disposition of the proceeding or in order to effec-
14 tuate any other provision of law or to assist in a vic-
15 tim’s, or the victim’s official representative’s, allocu-
16 tion at disposition.”; and

17 (4) by striking subsections (d) and (f), by re-
18 designating subsection (e) as subsection (d), by in-
19 serting “pursuant to section 5032 (b) or (c)” after
20 “adult” in subsection (d) as so redesignated, and by
21 adding at the end new subsections (e) through (f) as
22 follows:

23 “(e) Whenever a juvenile has been adjudicated delin-
24 quent for an act that if committed by an adult would be
25 a felony or for a violation of section 922(x), the juvenile

1 shall be fingerprinted and photographed, and the finger-
2 prints and photograph shall be sent to the Federal Bureau
3 of Investigation. The court shall also transmit to the Fed-
4 eral Bureau of Investigation the information concerning
5 the adjudication, including name, date of adjudication,
6 court, offenses, and sentence, along with the notation that
7 the matter was a juvenile adjudication. The fingerprints,
8 photograph, and other records and information relating to
9 a juvenile described in this subsection, or to a juvenile who
10 is prosecuted as an adult pursuant to section 5032 (b)
11 or (c), shall be made available in the manner applicable
12 to adult defendants.

13 “(f) In addition to any other authorization under this
14 section for the reporting, retention, disclosure, or avail-
15 ability of records or information, if the law of the State
16 in which a Federal juvenile delinquency proceeding takes
17 place permits or requires the reporting, retention, disclo-
18 sure, or availability of records or information relating to
19 a juvenile or to a juvenile delinquency proceeding or adju-
20 dication in certain circumstances, then such reporting, re-
21 tention, disclosure, or availability is permitted under this
22 section whenever the same circumstances exist.”.

23 **SEC. 109. RESTRICTION ON COMMITMENT.**

24 Section 5039 of title 18, United States Code, is
25 amended to read as follows:

1 **“§ 5039. Commitment**

2 “(a) The Attorney General shall not cause any juve-
 3 nile less than 21 years of age adjudicated delinquent under
 4 section 5032(a) to be placed or retained in an adult jail
 5 or correctional facility in which the juvenile has regular
 6 contact with adults incarcerated because they have been
 7 convicted of a crime or are awaiting trial on criminal
 8 charges, except for placement in a community-based facil-
 9 ity.

10 “(b) Every juvenile adjudicated delinquent who has
 11 been committed shall be provided with reasonable safety
 12 and security and with adequate food, heat, light, sanitary
 13 facilities, bedding, clothing, recreation, counseling, edu-
 14 cation, training, and medical care including necessary psy-
 15 chiatric, psychological, or other care and treatment.”.

16 **SEC. 110. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
 17 **5034.**

18 (a) SECTION 5031.—Sections 5031 and 5034 of title
 19 18, United States Code, are each amended by striking
 20 “his” each place it appears and inserting “the juvenile’s”.

21 (b) SECTION 5034.—Section 5034 of title 18, United
 22 States Code, is amended by striking “magistrate” each
 23 place it appears and inserting “judicial officer”.

1 **SEC. 111. SERIOUS JUVENILE DELINQUENCY DRUG TRAF-**
 2 **FICKING ADJUDICATIONS AS ARMED CAREER**
 3 **CRIMINAL ACT PREDICATES.**

4 Section 924(e)(2)(A) of title 18, United States Code,
 5 is amended—

- 6 (1) by striking “or” at the end of clause (i);
 7 (2) by inserting “or” at the end of clause (ii);
 8 and
 9 (3) by adding at the end the following:
 10 “(iii) any act of juvenile delinquency
 11 that if committed by an adult would be a
 12 serious drug offense described in this para-
 13 graph;”.

14 **SEC. 112. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 15 **FOR CHAPTER.**

16 The table of sections at the beginning of chapter 403
 17 of title 18, United States Code, is amended to read as
 18 follows:

19 **“CHAPTER 403—JUVENILE DELINQUENCY**

- “Sec.
 “5031. Definitions.
 “5032. Delinquency proceedings or criminal prosecutions in district courts.
 “5033. Custody prior to appearance before judicial officer.
 “5034. Duties of magistrate.
 “5035. Detention prior to disposition or sentencing.
 “5036. Speedy trial.
 “5037. Disposition.
 “5038. Use of juvenile records.
 “5039. Commitment.
 “5040. Support.
 “5041. Repealed.
 “5042. Revocation of probation.”.

1 **TITLE II—YOUTH DEVELOPMENT**
2 **AND JUVENILE CRIME PRE-**
3 **VENTION**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Youth Development and
6 Juvenile Crime Prevention Act of 1997”.

7 **SEC. 202. DEFINITIONS.**

8 Unless otherwise provided, for purposes of this title—

9 (1) the term “juvenile” has the meaning given
10 such term under State law; and

11 (2) the term “State” means any of the 50
12 States, the District of Columbia, and the Common-
13 wealth of Puerto Rico.

14 **Subtitle A—Juvenile Gun Courts**

15 **SEC. 211. GRANT AUTHORIZATION.**

16 The Attorney General may provide grants to States,
17 State courts, local courts, units of local government, and
18 Indian tribes, for court-based juvenile justice programs
19 that target young firearm offenders through the establish-
20 ment of juvenile gun courts.

21 **SEC. 212. USES OF FUNDS.**

22 Grants made by the Attorney General under this sec-
23 tion shall be used to fund programs that—

24 (1) establish juvenile gun courts for adjudica-
25 tion and prosecution of juvenile firearm offenders;

1 (2) grant prosecutorial discretion to try, in a
2 gun court, cases involving the illegal possession, use,
3 transfer, or threatened use of a firearm by a juve-
4 nile;

5 (3) require prosecutors to transfer such cases to
6 the gun court calendar not later than 30 days after
7 arraignment;

8 (4) require that gun court trials commence not
9 later than 60 days after transfer to the gun court;

10 (5) allow prosecution of appropriately aged of-
11 fenders as adults or juveniles in accordance with
12 State law;

13 (6) facilitate innovative and individualized sen-
14 tencing (such as incarceration, house arrest, elec-
15 tronic monitoring, restitution, and gang prevention
16 programs);

17 (7) provide services in furtherance of paragraph
18 (6);

19 (8) limit grounds for continuances and grant
20 continuances only for the shortest practicable time;
21 and

22 (9) allow transfer of a case or an offender out
23 of the gun court by agreement of the parties, subject
24 to court approval.

1 **SEC. 213. APPLICATIONS.**

2 (a) ELIGIBILITY.—In order to be eligible to receive
3 a grant under this subtitle, the chief executive or chief
4 justice of a State or the chief executive or chief judge of
5 a unit of local government or Indian tribe shall submit
6 an application to the Attorney General in such form and
7 containing such information as the Attorney General may
8 reasonably require.

9 (b) REQUIREMENTS.—Each application shall in-
10 clude—

11 (1) a request for funds for the purposes de-
12 scribed in section 212;

13 (2) a description of the communities to be
14 served by the grant, including the nature of juvenile
15 crime, juvenile violence, and juvenile firearm use and
16 possession in such communities;

17 (3) assurances that Federal funds received
18 under this subtitle shall be used to supplement, not
19 supplant, non-Federal funds that would otherwise be
20 available for activities funded under this section;

21 (4) statistical information in such form and
22 containing such information as the Attorney General
23 may require; and

24 (5) any additional requirements the Attorney
25 General may reasonably require.

1 (c) IMPLEMENTATION PLAN.—Each applicant shall
2 include a comprehensive implementation plan that con-
3 tains—

4 (1) a description of the applicant jurisdiction’s
5 juvenile crime and juvenile violence problem, includ-
6 ing gang crime, and juvenile firearm use and posses-
7 sion;

8 (2) an action plan outlining how the applicant
9 will achieve the purposes described in section 212;
10 and

11 (3) a description of any resources available in
12 the community to implement the plan.

13 **SEC. 214. GRANT AWARDS.**

14 (a) GRANT-MAKING CONSIDERATIONS.—The Attor-
15 ney General shall consider the following in awarding
16 grants under this subtitle:

17 (1) Demonstrated need and evidence of the abil-
18 ity to provide the services described in the plan re-
19 quired under section 213.

20 (2) To the extent practicable, achievement of an
21 equitable geographic distribution of grant awards.

22 (3) An allotment of .5 percent of the total
23 amount authorized each fiscal year for each State
24 that meets the requirements under this subtitle.

1 (b) AVAILABILITY OF FUNDS.—Amounts made avail-
2 able under this subtitle shall remain available until ex-
3 pended.

4 **SEC. 215. LIMITATIONS ON GRANTS; RENEWAL OF GRANTS.**

5 (a) ADMINISTRATIVE COST LIMITATION.—The Attor-
6 ney General and any grant recipient may each use not
7 more than 5 percent of the funds available under this sub-
8 title for administrative purposes and technical assistance.

9 (b) RENEWAL OF GRANTS.—A grant under this sub-
10 title may be renewed for not more than 2 additional years
11 after the first fiscal year during which the recipient re-
12 ceives its initial grant under this subtitle, subject to the
13 availability of funds, if—

14 (1) the Attorney General determines that the
15 funds made available to the recipient during the pre-
16 vious years were used in a manner required under
17 an approved application; and

18 (2) the Attorney General determines that an
19 additional grant is necessary to implement the com-
20 prehensive plan required by section 213.

21 **SEC. 216. FEDERAL SHARE.**

22 (a) IN GENERAL.—The Federal share of a grant
23 made under this subtitle may not exceed 90 percent of
24 the total costs of the program described in the application

1 submitted under section 213 for the fiscal year for which
2 the program receives assistance under this subtitle.

3 (b) WAIVER.—The Attorney General may waive, in
4 whole or in part, the requirement of a matching contribu-
5 tion under subsection (a).

6 (c) IN-KIND CONTRIBUTIONS.—In-kind contributions
7 may constitute a portion of the non-Federal share of a
8 grant under this subtitle.

9 **SEC. 217. REPORT AND EVALUATION.**

10 (a) REPORT TO THE ATTORNEY GENERAL.—States,
11 State courts, local courts, Indian tribes, or units of local
12 government that receive funds under this subtitle during
13 a fiscal year shall submit to the Attorney General not later
14 than March 1 of each year beginning in 1998, a report
15 that describes progress achieved in carrying out the plan
16 described under section 213.

17 (b) EVALUATION AND REPORT TO CONGRESS.—The
18 Attorney General shall submit to the Congress an evalua-
19 tion and report by October 1 of each year beginning in
20 1998, that contains a detailed statement regarding grant
21 awards, activities of grant recipients, a compilation of sta-
22 tistical information submitted by applicants, and an eval-
23 uation of programs established under this subtitle.

24 (c) DOCUMENTS AND INFORMATION.—Grant recipi-
25 ents shall provide the Attorney General with all relevant

1 documents and information that the Attorney General
2 deems necessary to conduct an evaluation of the effective-
3 ness of programs funded under this subtitle.

4 (d) CRITERIA.—In assessing the effectiveness of the
5 programs established and operated pursuant to this sub-
6 title, the Attorney General shall consider, at a minimum—

7 (1) the number of youths tried in gun court ses-
8 sions;

9 (2) recidivism rates of offenders tried in gun
10 court sessions;

11 (3) changes in the amount of gun and gang re-
12 lated crime in the jurisdiction of the grantee;

13 (4) the quantity of firearms and ammunition
14 recovered in gun court cases; and

15 (5) the costs of the program to the criminal jus-
16 tice system.

17 **SEC. 218. DEFINITION.**

18 For purposes of this subtitle the term “firearm of-
19 fender” means any individual charged with an offense in-
20 volving the illegal possession, use, transfer, or threatened
21 use of a firearm.

22 **SEC. 219. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this subtitle—

25 (1) \$50,000,000 for fiscal year 1997;

- 1 (2) \$55,000,000 for fiscal year 1998;
2 (3) \$60,000,000 for fiscal year 1999; and
3 (4) \$60,000,000 for fiscal year 2000.

4 **Subtitle B—Community-Based Ju-**
5 **venile Justice Grants For Pros-**
6 **ecutors**

7 **SEC. 221. GRANT AUTHORIZATION.**

8 (a) IN GENERAL.—The Attorney General may pro-
9 vide grants to State prosecutors, Indian tribal prosecutors,
10 and local prosecutors to support the establishment or ex-
11 pansion of community-based juvenile justice programs.

12 (b) CONSULTATION.—The Attorney General may
13 consult with the Ounce of Prevention Council when mak-
14 ing grants under subsection (a).

15 **SEC. 222. USES OF FUNDS.**

16 Grants made by the Attorney General under this sec-
17 tion may be used—

- 18 (1) to fund programs that require the coopera-
19 tion and coordination of prosecutors, school officials,
20 police, probation officers, youth and social service
21 professionals, and community members in the effort
22 to reduce the incidence of, and increase the success-
23 ful identification and speed of prosecution of, violent
24 juvenile offenders;

1 (2) to fund programs in which prosecutors
2 focus on the juvenile offender, not simply the spe-
3 cific offense, and impose individualized sanctions,
4 designed to deter juvenile offenders from further
5 antisocial conduct, and impose increasingly serious
6 sanctions on juvenile offenders who continue to com-
7 mit offenses;

8 (3) to fund programs that coordinate criminal
9 justice resources with educational, social service, and
10 community resources to develop and deliver violence
11 prevention programs including mediation and other
12 conflict resolution methods, treatment, counseling,
13 educational, and recreational programs that create
14 alternatives to criminal activity; and

15 (4) in rural States (as defined in section
16 1501(b) of title I of the Omnibus Crime Control and
17 Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)), to
18 fund cooperative efforts between State and local
19 prosecutors, victim advocacy and assistance groups,
20 social and community service providers, and law en-
21 forcement agencies to work in cooperation with the
22 community to develop education and prevention
23 strategies directed toward the issues with which such
24 entities are concerned.

1 **SEC. 223. APPLICATIONS.**

2 (a) ELIGIBILITY.—In order to be eligible to receive
3 a grant under this subtitle for any fiscal year, the chief
4 executive officer of the jurisdiction in which the program
5 will be located and the designated representative of a
6 State, Indian tribe, or local prosecutor shall submit an ap-
7 plication to the Attorney General in such form and con-
8 taining such information as the Attorney General may rea-
9 sonably require.

10 (b) REQUIREMENTS.—Each application shall in-
11 clude—

12 (1) a request for funds for the purposes de-
13 scribed in section 222;

14 (2) a description of the communities to be
15 served by the grant, including the nature of the ju-
16 venile crime, juvenile violence, and child abuse prob-
17 lems within such communities;

18 (3) assurances that Federal funds received
19 under this subtitle shall be used to supplement, not
20 supplant, non-Federal funds that would otherwise be
21 available for activities funded under this section; and

22 (4) statistical information in such form and
23 containing such information that the Attorney Gen-
24 eral may require.

25 (c) COMPREHENSIVE PLAN.—Each application shall
26 include a comprehensive plan that shall contain—

1 (1) a description of the juvenile violence or child
2 abuse crime problem;

3 (2) an action plan outlining how the applicant
4 will achieve the purposes described in section 222;

5 (3) a description of the resources available in
6 the community to implement the plan together with
7 a description of the services that cannot be provided
8 with existing resources; and

9 (4) a description of how the requested grant
10 will be used to provide such services.

11 **SEC. 224. GRANT AWARDS.**

12 The Attorney General shall consider the following in
13 awarding grants:

14 (1) Demonstrated need and evidence of the abil-
15 ity to provide the services described in the plan re-
16 quired under section 223.

17 (2) To the extent practicable, the achievement
18 of an equitable geographic distribution of grant
19 awards.

20 **SEC. 225. ALLOCATION OF FUNDS; LIMITATIONS ON**
21 **GRANTS.**

22 (a) ADMINISTRATIVE COST LIMITATION.—The Attor-
23 ney General shall use not more than 5 percent of the funds
24 available under this subtitle for administration costs and
25 technical assistance.

1 (b) RENEWAL OF GRANTS.—A grant under this sub-
 2 title may be renewed for not more than 2 additional years
 3 after the first fiscal year during which the recipient re-
 4 ceives its initial grant under this subtitle, subject to the
 5 availability of funds, if—

6 (1) the Attorney General determines that the
 7 funds made available to the recipient during the pre-
 8 vious years were used in a manner required under
 9 the approved application; and

10 (2) the Attorney General determines that an
 11 additional grant is necessary to implement the com-
 12 munity prosecution program designed in the com-
 13 prehensive plan required by section 223.

14 **SEC. 226. REPORTS.**

15 (a) REPORT TO ATTORNEY GENERAL.—Recipients of
 16 funds under this subtitle shall submit to the Attorney Gen-
 17 eral a report not later than March 1 of each year begin-
 18 ning in 1998, that describes progress achieved in carrying
 19 out the plan described under section 223(c).

20 (b) REPORT TO CONGRESS.—The Attorney General
 21 shall submit to the Congress a report by October 1 of each
 22 year, beginning in 1998, in which grants are made avail-
 23 able under this subtitle which shall contain a detailed
 24 statement regarding grant awards, activities of grant re-
 25 cipients, a compilation of statistical information submitted

1 by applicants, and an evaluation of programs established
2 under this subtitle.

3 **SEC. 227. DEFINITIONS.**

4 For purposes of this subtitle—

5 (1) the term “Indian tribe” means a tribe,
6 band, pueblo, nation, or other organized group or
7 community of Indians, including an Alaska Native
8 village (as defined in or established under the Alaska
9 Native Claims Settlement Act (43 U.S.C. 1601 et
10 seq.)), that is recognized as eligible for the special
11 programs and services provided by the United States
12 to Indians because of their status as Indians;

13 (2) the term “violent juvenile offender” means
14 an individual, considered a juvenile under State law,
15 who is charged with or has committed a violent of-
16 fense as defined in section 2503 of title I of the Om-
17 nibus Crime Control and Safe Streets Act of 1968;
18 and

19 (3) the term “juvenile offender” means an indi-
20 vidual who—

21 (A) is charged with an offense or against
22 whom the State is bringing a petition or equiva-
23 lent legal action; or

24 (B) has been convicted of, or adjudicated
25 as involved in or guilty of, an offense.

1 **SEC. 228. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this subtitle—

4 (1) \$15,000,000 for fiscal year 1997;

5 (2) \$20,000,000 for fiscal year 1998;

6 (3) \$20,000,000 for fiscal year 1999; and

7 (4) \$20,000,000 for fiscal year 2000.

8 **Subtitle C—Juvenile Drug Courts**

9 **SEC. 231. JUVENILE DRUG COURTS.**

10 Title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amend-
12 ed—

13 (1) by redesignating part Y as part Z;

14 (2) by redesignating section 2501 as 2601; and

15 (3) by inserting after part X the following new
16 part:

17 **“PART Y—JUVENILE DRUG COURTS**

18 **“SEC. 2501. GRANT AUTHORITY.**

19 “(a) APPROPRIATE DRUG COURT PROGRAMS.—The
20 Attorney General may make grants to States, State
21 courts, local courts, units of local government, and Indian
22 tribes to establish programs that—

23 “(1) continue judicial supervision over juvenile
24 offenders, other than violent juvenile offenders as
25 defined in section 227 of the Youth Development

1 and Juvenile Crime Prevention Act of 1996, with
2 substance abuse problems; and

3 “(2) integrate administration of other sanctions
4 and services, which include—

5 “(A) mandatory periodic testing for the
6 use of controlled substances or other addictive
7 substances during any period of supervised re-
8 lease or probation for each participant;

9 “(B) substance abuse treatment for each
10 participant;

11 “(C) diversion, probation, or other super-
12 vised release involving the possibility of prosecu-
13 tion, confinement, or incarceration based on
14 noncompliance with program requirements or
15 failure to show satisfactory progress;

16 “(D) programmatic, offender management,
17 and aftercare services such as relapse preven-
18 tion, health care, education, vocational training,
19 job placement, housing placement, and child
20 care or other family support service for each
21 participant who requires such services;

22 “(E) payment by the offender of treatment
23 costs, to the extent practicable, such as costs
24 for urinalysis or counseling; and

1 “(F) payment by the offender of restitu-
2 tion, to the extent practicable, to either a victim
3 of the offender’s offense or to a restitution or
4 similar victim support fund.

5 “(b) USE OF FUNDS FOR NECESSARY SUPPORT PRO-
6 GRAMS.—Grant recipients may use Federal grant funds
7 received under this subtitle to pay treatment, counseling,
8 and other related and necessary expenses not covered by
9 other Federal, State, Indian tribal, and local sources of
10 funding that would otherwise be available.

11 “(c) CONTINUED AVAILABILITY OF GRANT FUNDS.—
12 Amounts made available under this part shall remain
13 available until expended.

14 **“SEC. 2502. PROHIBITION OF PARTICIPATION BY VIOLENT**
15 **OFFENDERS.**

16 “The Attorney General shall issue regulations and
17 guidelines to ensure that the programs authorized in this
18 part do not permit participation by violent offenders.

19 **“SEC. 2503. DEFINITION.**

20 “For purposes of this part, the term ‘violent offense’
21 means an offense during the course of which—

22 “(1) the individual carried, possessed, or used a
23 firearm or dangerous weapon;

1 “(2) the death of or serious bodily injury of an-
2 other person occurred as a direct result of the com-
3 mission of such offense; or

4 “(3) the individual used force against the per-
5 son of another.

6 **“SEC. 2504. ADMINISTRATION.**

7 “(a) REGULATORY AUTHORITY.—The Attorney Gen-
8 eral shall issue any regulations and guidelines necessary
9 to carry out this part.

10 “(b) APPLICATIONS.—In addition to any other re-
11 quirements that may be specified by the Attorney General,
12 an application for a grant under this part shall—

13 “(1) include a long-term strategy and detailed
14 implementation plan;

15 “(2) explain the applicant’s inability to fund the
16 program adequately without Federal assistance;

17 “(3) certify that the Federal support provided
18 will be used to supplement, and not supplant, State,
19 Indian tribal, and local sources of funding that
20 would otherwise be available;

21 “(4) identify related governmental or commu-
22 nity initiatives which complement or will be coordi-
23 nated with the proposal;

24 “(5) certify that there has been appropriate
25 consultation with all affected agencies and that there

1 will be appropriate coordination with all affected
2 agencies in the implementation of the program;

3 “(6) certify that participating offenders will be
4 supervised by one or more designated judges with re-
5 sponsibility for the drug court program;

6 “(7) specify plans for obtaining necessary sup-
7 port and continuing the proposed program following
8 the conclusion of Federal support; and

9 “(8) describe the methodology that will be used
10 in evaluating the program.

11 **“SEC. 2505. APPLICATIONS.**

12 “To request funds under this part, the chief executive
13 or the chief justice of a State, or the chief executive or
14 chief judge of a unit of local government or Indian tribe
15 shall submit an application to the Attorney General in
16 such form and containing such information as the Attor-
17 ney General may reasonably require.

18 **“SEC. 2506. FEDERAL SHARE.**

19 “(a) IN GENERAL.—The Federal share of a grant
20 made under this part may not exceed 90 percent of the
21 total costs of the program described in the application sub-
22 mitted under section 2505 for the fiscal year for which
23 the program receives assistance under this part.

1 “(b) WAIVER.—The Attorney General may waive, in
2 whole or in part, the requirement of a matching contribu-
3 tion under subsection (a).

“(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-
tions may constitute a portion of the non-Federal share
of a grant under this part.

7 “SEC. 2507. GEOGRAPHIC DISTRIBUTION.

8 “The Attorney General shall ensure that, to the ex-
9 tent practicable, an equitable geographic distribution of
10 grant awards is made.

11 **“SEC. 2508. REPORT.**

12 “A State, Indian tribe, or unit of local government
13 that receives funds under this part during a fiscal year
14 shall submit to the Attorney General, in March of the year
15 following receipt of a grant under this part, a report re-
16 garding the effectiveness of programs established pursu-
17 ant to this part.

18 “SEC. 2509. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-
19 UATION.

20 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
21 Attorney General may provide technical assistance and
22 training in furtherance of the purposes of this part.

23 “(b) EVALUATIONS.—In addition to any evaluation
24 requirements that may be prescribed for grantees, the At-
25 torney General may carry out or make arrangements for

1 evaluations of programs that receive support under this
2 part.

3 “(c) ADMINISTRATION.—The technical assistance,
4 training, and evaluations authorized by this section may
5 be carried out directly by the Attorney General, in collabo-
6 ration with the Secretary of Health and Human Services,
7 or through grants, contracts, or other cooperative arrange-
8 ments with other entities.

9 **“SEC. 2510. UNAWARDED FUNDS.**

10 “The Attorney General may reallocate any grant
11 funds that are not awarded for juvenile drug courts under
12 this part for use for other juvenile delinquency and crime
13 prevention initiatives.

14 **“SEC. 2511. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated to carry out
16 this part—

17 “(1) \$50,000,000 for fiscal year 1997;

18 “(2) \$75,000,000 for fiscal year 1998;

19 “(3) \$75,000,000 for fiscal year 1999; and

20 “(4) \$75,000,000 for fiscal year 2000.”.

21 **Subtitle D—After School Crime**
22 **Prevention Act**

23 **SEC. 241. SHORT TITLE.**

24 This subtitle may be cited as the “After School Crime
25 Prevention Act”.

1 **SEC. 242. PROGRAM AUTHORITY.**

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services, in consultation with the Attorney Gen-
4 eral, may provide grants to eligible entities.

5 (b) EQUITABLE ALLOCATION.—The Secretary shall
6 attempt, to the extent practicable, to achieve an equitable
7 geographic allocation of grant funds awarded under this
8 subtitle.

9 **SEC. 243. PROGRAM REQUIREMENTS.**

10 (a) LOCATION.—An eligible entity that receives a
11 grant under this section shall ensure that the program is
12 carried out—

13 (1) when appropriate, in the facilities of a pub-
14 lic school during nonschool hours; or

15 (2) in another appropriate local facility, such as
16 a college or university, a local or State park or
17 recreation center, church, or military base, that is—

18 (A) in a location that is easily accessible to
19 children in the community; and

20 (B) in compliance with all applicable local
21 ordinances.

22 (b) USE OF FUNDS.—

23 (1) IN GENERAL.—Such entity shall use funds
24 made available through the grant under this subtitle
25 to provide children in the eligible community services

1 and activities that include extracurricular and aca-
2 demic programs, that are offered—

3 (A) after school and on weekends and holi-
4 days, during the school year; and

5 (B) as daily full-day programs (to the ex-
6 tent available resources permit) or as part-day
7 programs, during the summer months;

8 (2) ADMINISTRATIVE COSTS.—An entity that
9 receives funds under this subtitle may not use more
10 than 5 percent of such funds to pay for the adminis-
11 trative costs of the program.

12 (3) CONTINUED AVAILABILITY OF GRANT
13 FUNDS.—Amounts made available under this sub-
14 title shall remain available until expended.

15 **SEC. 244. APPLICATIONS.**

16 (a) APPLICATION REQUIRED.—To be eligible to re-
17 ceive a grant under this section, an eligible entity shall
18 submit an application to the Secretary at such time, in
19 such manner, and accompanied by such information, as
20 the Secretary may reasonably require, and obtain approval
21 of such application.

22 (b) CONTENTS OF APPLICATION.—Each application
23 submitted pursuant to subsection (a) shall—

1 (1) describe the area to be served, including the
2 level of poverty and juvenile delinquency for such
3 area;

4 (2) describe the activities and services to be
5 provided through the program for which the grant is
6 sought;

7 (3) contain a comprehensive plan for the pro-
8 gram that is designed to achieve identifiable goals
9 for children in the eligible community;

10 (4) demonstrate the manner in which the com-
11 munity-based organization will make use of the re-
12 sources, expertise, and commitment of private enti-
13 ties in carrying out the program for which the grant
14 is sought;

15 (5) include an estimate of the number of chil-
16 dren in the eligible community expected to be served
17 pursuant to the program;

18 (6) include a description of charitable private
19 resources, and all other resources, that will be made
20 available to achieve the goals of the program; and

21 (7) contain an assurance that the eligible entity
22 will use competitive procedures when purchasing,
23 contracting, or otherwise providing for goods, activi-
24 ties, or services to carry out programs under this
25 section.

1 **SEC. 245. ELIGIBILITY OF PARTICIPANTS.**

2 (a) IN GENERAL.—To the extent possible, each child
3 who resides in an eligible community shall be eligible to
4 participate in a program carried out in a community that
5 receives assistance under this subtitle.

6 (b) ELIGIBILITY.—To be eligible to participate in a
7 program that receives assistance under this subtitle, a
8 child shall provide the express written approval of a parent
9 or guardian, and shall submit an official application and
10 agree to the terms and conditions of participation in the
11 program.

12 (c) NONDISCRIMINATION.—In selecting children to
13 participate in a program that receives assistance under
14 this subtitle, an eligible entity shall not discriminate on
15 the basis of race, color, religion, sex, national origin, or
16 disability.

17 **SEC. 246. INVESTIGATIONS AND INSPECTIONS.**

18 The Secretary, in consultation with the Attorney
19 General, may conduct such investigations and inspections
20 as may be necessary to ensure compliance with the provi-
21 sions of this subtitle.

22 **SEC. 247. FEDERAL SHARE.**

23 (a) IN GENERAL.—The Federal share of a grant
24 made under this subtitle may not exceed 90 percent of
25 the total costs of the program described in the application

1 submitted under section 244 for the fiscal year for which
2 the program receives assistance under this subtitle.

3 (b) WAIVER.—The Secretary may waive, in whole or
4 in part, the requirement of a matching contribution under
5 subsection (a).

6 (c) IN-KIND CONTRIBUTIONS.—In-kind contributions
7 may constitute a portion of the non-Federal share of a
8 grant under this subtitle.

9 **SEC. 248. DEFINITIONS.**

10 For purposes of this subtitle—

11 (1) the term “child” has the same meaning
12 given such term under State law;

13 (2) the term “community-based organization”
14 means a private, locally initiated, community-based
15 organization that—

16 (A) is a nonprofit organization, as defined
17 in section 103(23) of the Juvenile Justice and
18 Delinquency Prevention Act of 1974 (42 U.S.C.
19 5603(23)); and

20 (B) is operated by a consortium of service
21 providers, consisting of representatives of 5 or
22 more of the following categories of persons—

23 (i) residents of the community;

1 (ii) business and civic leaders actively
2 involved in providing employment and busi-
3 ness development opportunities in the com-
4 munity;

5 (iii) educators;

6 (iv) religious organizations;

7 (v) law enforcement agencies;

8 (vi) public housing agencies;

9 (vii) other public agencies; and

10 (viii) other interested parties;

11 (3) the term “eligible community” means an
12 area which meets specific criteria regarding signifi-
13 cant poverty and juvenile crime and delinquency,
14 and such additional criteria as the Secretary may re-
15 quire by regulation;

16 (4) the term “eligible entity” means a commu-
17 nity-based organization or an Indian tribe;

18 (5) the term “Indian tribe” means a tribe,
19 band, pueblo, nation, or other organized group or
20 community of Indians, including an Alaska Native
21 village (as defined in or established under the Alaska
22 Native Claims Settlement Act (43 U.S.C. 1601 et
23 seq.)), that is recognized as eligible for the special
24 programs and services provided by the United States
25 to Indians because of their status as Indians;

1 (6) the term “public school” has the same
2 meaning given such term in section 14101 of the El-
3 ementary and Secondary Education Act of 1965 (20
4 U.S.C. 8801); and

5 (7) the term “Secretary” means the Secretary
6 of Health and Human Services.

7 **SEC. 249. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to carry out
9 this subtitle—

- 10 (1) \$75,000,000 for fiscal year 1997;
11 (2) \$100,000,000 for fiscal year 1998;
12 (3) \$100,000,000 for fiscal year 1999; and
13 (4) \$100,000,000 for fiscal year 2000.

○